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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,377	02/27/2004	Fubang Wu	81044329_FGT1862PA	2376
28549	7590	06/02/2006	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034				WILHELM, TIMOTHY
ART UNIT		PAPER NUMBER		
		3616		

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/708,377	<b>Applicant(s)</b> WU ET AL.
	<b>Examiner</b> Timothy D. Wilhelm	<b>Art Unit</b> 3616

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --  
**Period for Reply**

## A SHORTENED STATUTORY PERIOD

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,2,4-8,10-15 and 17-19 is/are rejected.

7)  Claim(s) 3,9 and 16 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 27 February 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2-27-2004.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The statement of claim 1, "said controller controlling the seat back to move relative to the seat back," is unclear. An object may not move relative to itself. Similar indefiniteness is used in claim 7 with the phrase "a seat having a seat base and a seat base rotatably coupled to the seat base," in that the claimed seat base may not be rotatably coupled to itself. Therefore, since it is unclear as to what exactly the applicant is claiming, these claims are rejected under 35 U.S.C. 112, second paragraph.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayley (6,182,783) in view of Yokota et al (6,463,372). Bayley discloses an occupant restraint system 10 for an automotive vehicle comprising a rollover sensor 68

generating a rollover signal corresponding to a rolling movement of the vehicle, a seat 18 having a seat base 20 and a seat back 22 rotatably coupled to the seat base 20, and a controller 28 coupled to the rollover sensor 68 and the seat base 20. Bayley discloses the present invention except for the control module controlling a motor, which in turn rotatably moves the seat back in a rearward direction with respect to the seat base.

Yokota et al teach a vehicle damage reduction system in which a controller 11 is coupled to a sensor 10 and a motor 52 that controls movement of the seat back with respect to the seat base. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to control movement of the seat back of Bayley by means of a motor coupled to the controller as taught by Yokota et al, which is also coupled to the rollover sensor to create more space between the vehicle driver's head and the ceiling of said vehicle during rollover.

3. Claims 7,8,10-15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayley in view of Yokota et al in further view of Lewis et al (6,378,898). Bayley and Yokota et al disclose the present invention except for an inflatable seat belt connected to a controller. Lewis et al teach a vehicle occupant restraint system comprising a controller 101 coupled to an inflatable seat belt restraint system 30. Upon inflation, the seat belt 30 urges the vehicle occupant against the seat back. With regard to claim 18, inflation of the seat belt 30 would occur simultaneously with rotation of the seat back. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Lewis et al of an

inflatable seat belt coupled to the controller of Bayley and Yokota et al to provide extra protection against serious injury during a rollover situation.

***Allowable Subject Matter***

4. Claims 3, 9, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takagi et al (6,666,292) disclose a seat occupant restraint system comprising a sensor and controller.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Wilhelm whose telephone number is 571-272-6980. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TDW

  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
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5/25/06